

Harris L. Winns
San, Jose CA. 95122
Plaintiff, Pro Se

United States District Court For
the Northern District of California
Oakland Division



HARRIS L. WINNS
Plaintiff, an Individual
vs.
**EXELA ENTERPRISE
SOLUTIONS, INC.**
Defendant, Automation of
Business Processes

Case No.: 20-cv-06762-YGR

**[PROPOSED ORDER]
MOTION FOR JUDGMENT
ON THE PLEADINGS**

Fed. R. Civ. P. 12(c)
RE: Dkt. 72

PROPOSED ORDER

“A court may grant judgment on the pleadings where there are no issues of material fact and the moving party is entitled to judgment as a matter of law when taking the allegations in the pleadings as true. *Gregg v. Haw. Dep’t of Pub. Safety*, 870 F.3d 883, 887 (9th Cir. 2017) (citation omitted). This standard is “functionally identical” to the standard for determining a motion to dismiss under Rule 12(b)(6). *Id.*”

“Accordingly, a court need not accept as true factual allegations that are conclusory or conclusions of law. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009) (citation omitted).” As with a Rule 12(b)(6) motion to dismiss, a court granting judgment on the pleadings pursuant to Rule 12(c) should grant leave to amend even if no request for leave to amend has been made, unless it is clear that amendment would be futile.” *Finley v. Capital One*, No. 16-CV-01392-YGR, 2017

1 WL 1365207, at *2 (N.D. Cal. Apr. 14, 2017). (Quoting *Diaz v. Rescare Inc.*, ET AL. 4:20-cv-01333-
2 YGR, N.D. Calif., 2020).

3 “Therefore, “the court must assume the truthfulness of the material facts alleged in the
4 complaint, *Cafasso, U.S. ex rel. v. General Dynamics C4 Systems, Inc.*, 637 F.3d 1047, 1053 (9th Cir.
5 2011), and “treat as false the allegations in the Answer that contradict” the complaint, *Elvig v.*
6 *Calvin Presbyterian Church*, 375 F.3d 951, 955 (9th Cir. 2004). (*Gray v. Romero*, 1:13-cv-01473-DAD-
7 GSA-PC, E.D. Calif., 20017). *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896F.2d 1542,
8 1550 (9th Cir.1989). *see also Savage v. Council On American-Islamic Relations, Inc.*, 2008 WL 2951281
9 (N.D. Cal. 2008).

10 Therefore, in light of the foregoing and for good cause appearing therefore, the Court hereby
11 GRANTS the Plaintiff’s motion for judgment on the pleadings. Fed. R. Civ. P. 12(c).

12 **IT IS SO ORDERED.**

13 Dated: _____, 2021

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15 Hon. Yvonne Gonzalez Rogers
16 United States District Court Judge
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